



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 6, 2022 which reads as follows:

“A.M. No. RTJ-21-2607 [Formerly OCA IPI No. 16-4623-RTJ] *Marlito T. Torres, Jeffrey D. Bato, Oliva D. Garcia, Evelyn E. Negrito, Cesar C. Calpo, Ma. Rhodora T. Palencia and Erliza E. Aveo, all of Branch 16, RTC, Cavite City, v. Hon. Rudiger G. Falcis II, Presiding Judge, Consuelo M. Huertas, Court Stenographer III, and Ariel C. Fernando, Process Server, all of Branch 16, RTC, Cavite City.*) – The instant administrative complaint arose from a Letter-Complaint¹ dated 08 September 2016, of Marlito T. Torres, Court Legal Researcher II, Jeffrey D. Bato, Court Sheriff IV, Oliva D. Garcia, Evelyn E. Negrito, Cesar C. Calpo (Calpo), all Court Stenographers III, Ma. Rhodora T. Palencia and Erliza E. Aveo (Aveo), both Clerk III, all from Branch 16, Regional Trial Court (RTC) of Cavite City (collectively, complainants), charging then-Presiding Judge Rudiger G. Falcis II (Judge Falcis II), Court Stenographer III Consuelo M. Huertas (Huertas) and Process Server Ariel C. Fernando (Fernando), same court (collectively, respondents), with grave misconduct and perjury.²

Antecedents

According to complainants, Judge Falcis II, through a Memorandum dated 25 April 2016,³ furnished the Office of the Court Administrator (OCA) with an affidavit made by Susana Tinoco (Tinoco) accusing herein complainants of corruption and anomalies in

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¹ *Rollo*, pp. 1-6.

² *Id.* at 61, 102.

³ *Id.* at 7-9, 102.

A handwritten signature in blue ink, located in the bottom right corner of the page.

relation to their duties as personnel of Branch 16, RTC of Cavite City. Contrarily, complainants aver that Judge Falcis II and his co-respondents Huertas and Fernando went to the Cavite City Jail on 20 April 2016 and persuaded Tinoco to sign the affidavit they themselves prepared. Respondents also made it appear that the affidavit was taken by Jail Officer I Jonas C. Boneo (JOI Boneo) when such document was, in fact, prepared by Huertas.⁴

Judge Falcis II, in his Comment, alleged that the instant administrative complaint was filed in retaliation to his Memorandum dated 25 April 2016 indorsing for investigation the alleged corrupt activities of complainants. He claimed to have submitted the said memorandum pursuant to his duty to report possible anomalies committed by his court personnel. Further, the charges against complainants went beyond the affidavit of Tinoco since complainant Aveo is also guilty of delaying the release of warrants of arrest for several accused. He could not be guilty of perjury since his signature does not appear in the affidavit of Tinoco.⁵

In their respective Comments, Huertas and Fernando insisted on the failure of complainants to present any document executed by herein respondents showing how the latter are guilty of perjury. Fernando also argued there is a total lack of basis for the charge of grave misconduct.⁶

Meanwhile, the charges against complainants arising from the Affidavit⁷ dated 20 April 2016 by Tinoco was docketed as OCA IPI No. 16-4601-P and referred to Executive Judge Esteban A. Tacla, Jr. (Executive Judge Tacla, Jr.), RTC of Mandaluyong City for investigation, report, and recommendation. Accordingly, the Court, in its Resolution dated 5 July 2017, held in abeyance the resolution of the present case pending the results of OCA IPI No. 16-4601-P.⁸ In relation to said case, OCA IPI No. 16-4571-P, which was filed by Judge Falcis II against complainants Calpo and Aveo, was consolidated therewith for investigation and recommendation.⁹

The Court, through its Resolution¹⁰ dated 17 June 2020, resolved to dismiss OCA IPI No. 16-4571-P and OCA IPI No. 16-4601 following the findings of Executive Judge Tacla, Jr. on the lack of

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⁴ Id. at 1-3, 102.

⁵ Id. at 39-44, 65, 102-103.

⁶ Id. at 30-33, 35-37, 65-66, 103.

⁷ Id. at 48-49.

⁸ Id. at 68.

⁹ Id. at 103.

¹⁰ Id.

substantial evidence to hold herein complainants liable for the allegations of corruption. However, the Court admonished herein complainants for receiving food from Tinoco since any kind of gift from litigants is inappropriate.¹¹

In a Letter dated 04 September 2017, the Acting Branch Clerk of Court of Branch 16, RTC of Cavite City informed the Court of the resignation from the service of Judge Falcis II on 31 January 2017.¹² This was verified by the RTC Personnel Division, Office of Administrative Services, OCA, which also informed the Office of the Court Administrator of the resignation of Fernando. Thus, only Huertas remained connected with the Judiciary out of the three respondents.¹³

Recommendation of the OCA

The OCA¹⁴ submitted its recommendations through its Memorandum dated 21 October 2020,¹⁵ to wit:

RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court that:

1. respondent former Presiding Judge Rudiger G. Falcis II, Branch 16, Regional Trial Court, Cavite City, Cavite, be found **ADMINISTRATIVELY LIABLE** for **GRAVE MISCONDUCT** and **IMPROPRIETY** and be **FINED** in the amount of **₱40,000.00**, chargeable to his remaining leave credits. Should his remaining leave credits be not sufficient to cover the amount of fine, he should be made to **PAY** the equivalent amount of the balance directly to the Court within thirty (30) days from notice;

2. respondent Court Stenographer III Consuelo M. Huertas, Branch 16, RTC, Cavite City, be found **ADMINISTRATIVELY LIABLE** for **SIMPLE MISCONDUCT** and be made to serve the penalty of **SUSPENSION** from office for a period of **ONE (1) MONTH AND ONE (1) DAY** from notice; and

3. respondent former Process Server Ariel C. Fernando, Branch 16, RTC, Cavite City, Cavite, be also found **ADMINISTRATIVELY LIABLE** for **SIMPLE MISCONDUCT**

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¹¹ Id. at 103-104.

¹² Id. at 101-102.

¹³ Id. at 104.

¹⁴ Signed by Court Administrator Jose Midas P. Marquez (now, a Member of this Court) and Deputy Court Administrator Raul Bautista Villanueva.

¹⁵ *Rollo*, pp. 101-108.

and be **FINED** in an amount equivalent to his salary for **ONE (1) MONTH AND ONE (1) DAY**, chargeable to his remaining leave credits. Should his remaining leave credits be not sufficient to cover the amount of fine, he should be made to **PAY** the equivalent amount of the balance directly to the Court within thirty (30) days from notice.

RESPECTFULLY SUBMITTED.¹⁶

While respondents cannot be held guilty of perjury since their acts do not fall within the definition of said crime, the OCA recommended for them to be held administratively liable for obtaining the unsubstantiated statements of Tinoco, which was used in the administrative charge against complainants. In view of the resignation of Judge Falcis II and Fernando, the OCA recommended that they pay a fine in accordance with their misconduct. As to Huertas, her recommended penalty, considering this is her first offense, is suspension for a period of one (1) month and one (1) day.¹⁷

Issue

Whether respondents are guilty of misconduct for which they should be held administratively liable.

Ruling of the Court

The Court finds no reason to hold respondents administratively liable for their act of obtaining Tinoco's affidavit.

*Respondent former Presiding
Judge Falcis II acted within his
duty to report any irregularity
in his court*

The OCA recommended that Judge Falcis II be found guilty of grave misconduct and impropriety for relying on the statements of Tinoco, which it surmised to have been given involuntarily and was deemed ultimately false. For procuring the affidavit from Tinoco, the OCA regarded the acts of Judge Falcis II as constituting impropriety for which he should be administratively held liable.

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¹⁶ Id. at 107-108.

¹⁷ Id. at 104-107.

The Court disagrees.

While law and justice demand adherence at all times to the highest tenets of judicial conduct and abhor all forms of abuse committed by public officers and employees whose sworn duty is to discharge their duties with utmost responsibility, integrity, competence, accountability and loyalty, the Court must, nevertheless, protect them against unjustified charges tending to adversely affect, rather than encourage, the effective performance of their duties and functions.¹⁸

We refer to the New Code of Judicial Conduct for the Philippine Judiciary,¹⁹ which appropriately provides:

CANON 3
Impartiality

x x x x

SECTION 3. Judges should take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware.

x x x x

CANON 4
Propriety

x x x x

SECTION 14. Judges shall not knowingly permit court staff or others subject to their influence, direction or authority, to ask for, or accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done in connection with their duties or functions.

Based on the above principles, the Court finds that Judge Falcis II acted in consonance with his duties and functions as a Judge. He merely ensured to uphold the dignity of the court when he recommended the conduct of an investigation against complainants to rule out anomalies within his jurisdiction. This is in accordance with his duty to report or initiate appropriate disciplinary measures against

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¹⁸ Re: Normandie B. Pizarro, A.M. No. 17-11-06-CA, 13 March 2018.

¹⁹ A.M. No. 03-05-01-SC, 27 April 2004.

his court personnel for any kind of unprofessional conduct he has become aware of. Judge Falcis II also acted in line with his duty to prevent court staff in asking for or accepting any gift, bequest, loan, or favor in relation to their duties or functions.

It must be noted that his decision to uncover the alleged anomalies of his own staff from Tinoco was not based on pure conjecture, suspicion or bad faith. The Affidavit dated 20 April 2016 executed by Tinoco identifies Calpo as the one who approached her and offered to help her in her case for a consideration of sum of money. Further, Tinoco claimed in her affidavit that she had been giving food to the staff of Branch 16, RTC of Cavite City. In relation thereto, complainant Calpo, in *Duque v. Calpo*,²⁰ was found guilty of grave misconduct and serious dishonesty for deceiving Zenmond Duque (Duque) into believing he had the power to obtain an annulment order in the latter's favor. Calpo actually received money from Duque and falsified a decision from the court to make it appear he had fulfilled his end of the bargain. For such indiscretions, Calpo was dismissed from the service with forfeiture of his benefits. Meanwhile, in the Memorandum dated 23 October 2019²¹ submitted by the OCA to the Court in OCA IPI No. 16-4571-P and OCA IPI No. 16-4601-P, it was recognized that herein complainants were indeed receiving food from Tinoco and were thereby recommended to be admonished for their inappropriate behavior. As aptly stated by Executive Judge Tacla, Jr., "[i]t is not the giving of gifts or any kind that matters but the resulting consequences including expectation of some favors in the process."²²

Further, JOI Boneo and Jail Chief Inspector Rodelo A. Besa (J/CINSP Besa), whose statements were obtained by complainants to prove the alleged irregularity in the procurement of Tinoco's affidavit, never stated that Tinoco involuntarily executed her Affidavit dated 20 April 2016. They merely recounted how Judge Falcis II, together with two court employees, visited Tinoco in jail, talked to her for a considerable period of time, and asked for their conformance to participate in the execution of the affidavit.

There can also be no fault on the part of Judge Falcis II if he indeed asked J/CINSP Besa to be the subscribing officer in the Affidavit dated 20 April 2016. There was no legal or factual

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²⁰ A.M. No. P-16-3505, 22 January 2019.

²¹ *Rollo*, pp. 94-96.

²² *Id.* at 96.

impediment for J/CINSP Besa to act as a subscribing officer, who is only required to affix his signature after the affiant has signed the document and made an oral oath or affirmation before him. Truly, there was no reason J/CINSP Besa could not have done these obligations as a subscribing officer.

Examining the totality of the above circumstances, the Court is deterred from treating the Affidavit dated 20 April 2016 as an absolute falsity and discounting even the manner it was executed. The parallels in the assailed affidavit of Tinoco and the proven truths in this case are too analogous to be ignored for the Court to hastily conclude it was involuntarily made by Tinoco. Indeed, the mere fact that a statement was renounced or expressed any other way will not necessarily vitiate the original statement if credible.²³ Further, the presumption of the regularity of the Affidavit dated 20 April 2016 remains in the absence of clear and convincing evidence to the contrary.²⁴ A perusal of the records of the case fails to show any clear and convincing proof to overturn such presumption as no evidence was presented by complainants aside from the Sworn Statement of JOI Boneo and J/CINSP Besa, which this Court had already examined as inconsequential in the charge of misconduct.

The acts of Huertas and Fernando in assisting Judge Falcis II to prevent any anomalies in their court is within the bounds of rightful conduct

In the same vein, the Court cannot ascribe to the conclusion of the OCA that respondents Huertas and Fernando are guilty of conduct unbecoming of court employees constituting simple misconduct.

Simple misconduct has been defined as an unacceptable behavior which transgresses the established rules of conduct for public officers, work-related or not. It lacks the necessary element of corruption, clear intent to violate the law or flagrant disregard of established rules for it to be considered grave.²⁵ Meanwhile, conduct unbecoming of a court employee amounting to simple misconduct has been defined as any scandalous behavior or act that may erode the people's esteem for the Judiciary.²⁶

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²³ *People v. Turingan*, 347 Phil. 97 (1997).

²⁴ *Chua v. Westmont Bank*, 683 Phil. 56, 66 (2012).

²⁵ *See Abulencia v. Hermosissima*, 712 Phil. 248 (2013).

²⁶ *Re: Allan Christer C. Castillo*, A.M. No. 2019-08-SC, 15 January 2020.


Respondents Huertas and Fernando, in assisting Judge Falcis II to ensure the prevention of any anomaly in their workplace, acted within the bounds of rightful conduct. They merely followed the direction of their head with a genuine purpose of preserving the standing of the court. Rather than erode the people's esteem for the Judiciary, their intention was to ensure the trust reposed by the people to the court. Certainly, their behavior cannot be characterized as scandalous or diminishing the respect of the court.

Ultimately, complainants failed to show that respondents acted in an intolerable behavior transgressing established rules of conduct warranting disciplinary action. In contrast, respondents merely performed their functions to the best of their abilities and in keeping with their sworn duty to protect the integrity of the Judiciary.

WHEREFORE, the instant administrative complaint against Hon. Rudiger G. Falcis II, former Presiding Judge, Consuelo M. Huertas, Court Stenographer III, and Ariel C. Fernando, former Process Server is hereby **DISMISSED**.

SO ORDERED.” *Marquez, J., no part; Lopez, J., J., designated as additional Member per Raffle dated 22 June 2022.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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Marlito T. Torres, et al.
Complainants
c/o Regional Trial Court, Branch 16
4100 Cavite City

Former Judge Rudiger G. Falcis II
Respondent
27 Sta. Lucia Street, Rio De Janeiro
BF Garden Homes, 1740 Las Piñas City

Ms. Consuelo M. Huertas
Respondent – Court Stenographer III
Regional Trial Court, Branch 16
4100 Cavite City

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Mr. Ariel C. Fernando
Respondent
No. 20 S. Castillo, 1603 Pateros

Hon. Raul B. Villanueva (x)
Court Administrator
Hon. Jenny Lind R. Aldecoa-Delorino (x)
Hon. Leo Tolentino Madrazo (x)
Deputy Court Administrators
Hon. Lilian Barribal-Co (x)
Hon. Maria Regina A. F. M. Ignacio (x)
Assistant Court Administrators
OCA, Supreme Court

Office of Administrative Services (x)
Legal Office (x)
Court Management Office (x)
Financial Management Office (x)
Docket & Clearance Division (x)
OCA, Supreme Court

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Supreme Court



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